

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 13, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:35 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of January 6, 2003, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely presented the December Mayor's Award of Excellence to Rebecca (Becky) Seth of the Parks and Recreation's Nature Center for the category of productivity.

PUBLIC HEARING

APPLICATION OF DOUBLE EAGLE BEVERAGE LLC DBA "DOUBLE EAGLE BEVERAGE" FOR A CLASS "W" LIQUOR LICENSE AT 5840 N. 70TH STREET;
MANAGER APPLICATION OF ANTHONY G. GILLICK FOR DOUBLE EAGLE BEVERAGE LLC DBA "DOUBLE EAGLE BEVERAGE" AT 5840 N. 70TH STREET - Anthony Gillick, 8750 Karl Ridge Road, Apt. 513, took oath & came forward to answer any questions.

Annette McRoy, Council Person, asked if he was taking over the D & D Distributing?

Mr. Gillick stated "yes" and that he has done wholesale for the last 14 years.

This matter was taken under advisement.

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CREATE THE JOB CLASSIFICATION OF "PUBLIC HEALTH EMERGENCY RESPONSE COORDINATOR," "ENVIRONMENTAL HEALTH EDUCATOR," "ENVIRONMENTAL HEALTH EDUCATOR II," "SENIOR ENVIRONMENTAL HEALTH EDUCATOR," "ENVIRONMENTAL HEALTH ENGINEER I," "ENVIRONMENTAL HEALTH ENGINEER II," "SENIOR ENVIRONMENTAL HEALTH ENGINEER," "WIC SUPERVISOR," "COMMUNITY HEALTH SERVICES, ASSISTANT MANGER," AND "SENIOR UTILITY ENGINEERING SPECIALIST"; AND AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" TO CREATE THE JOB CLASSIFICATIONS OF "ENVIRONMENTAL HEALTH EDUCATOR I," AND "ANIMAL CONTROL FIELD SUPERVISOR";

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A", "C", AND "M" TO CHANGE TITLES AND PAY RANGES OF VARIOUS JOB CLASSIFICATIONS WITHIN THE HEALTH DEPARTMENT;

AMENDING PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY DELETING THE JOB CLASSIFICATIONS OF "GRADUATE NURSE I," "RECREATION SUPERVISOR I," "RECREATION SUPERVISOR II," AND "RECREATION SUPERVISOR III";

AMENDING PAY SCHEDULES OF A CERTAIN EMPLOYEE GROUP TO CHANGE THE TITLE CLASSIFICATION OF "PUBLIC SERVICE OFFICER - OPERATIONS" TO "PUBLIC SERVICE OFFICER";

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATION ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "X" TO DELETE THE CLASSIFICATIONS OF "EXCLUDED OFFICE ASSISTANT I," "II," "III," "IV," AND "V";

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" TO DELETE THE CLASSIFICATIONS OF "OFFICE ASSISTANT I," "II," "III," "IV," AND "V" AND "PUBLIC SERVICE OFFICER - ADMINISTRATION" - Bob Van Valkenburg, 7921 Reno Rd. stated that he feels these changes will cause a fiscal affect to the City.

Glenn Friendt, Council Member, asked Georgia Glass to confirm that

these amending of pay schedules will be cost neutral.

Georgia Glass, Personnel Director, stated that people will stay at the same pay and that it is outlining job descriptions. A couple of the new positions are grant funded.

Terry Werner, Council Member, asked Bruce Dart why the job title changes & restructuring?

Bruce Dart, Health Dept. Director, stated they were updating job descriptions that are titled specifically to what the employee does.

Mr. Werner asked if Mr. Dart would be coming forward in the future to request more money for these positions.

Mr. Dart stated that he would not.

This matter was taken under advisement.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE

CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X";

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE

CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "N" -

Georgia Glass, Personnel Director, reminded the Council that NAGE negotiated a 4% pay increase, but delayed it to February 1, 2003 and that "X" is about 12 people not represented by NAGE, but do similar jobs.

Mr. Werner asked how much did NAGE save the City.

Ms. Glass answered that it was about \$800,000. Further comments were made.

Bob Van Valkenburg, 7921 Reno Rd., suggested that the Agenda be more accessible. He also would like the General Fact Sheets filled in so the public can see the fiscal impact of the proposals. He would like the City to get rid of answering machines so the City employees can talk directly to the constituent. Further discussion followed.

Glen Cekal, 1420 C St., wondered who is going to see that the agenda is advertised and made known.

Chairman Cook, stated that the agenda is available in the Sunday newspaper and is outside the Chamber door the day of the City Council Meeting.

This matter was taken under advisement.

VACATING THE EAST-WEST ALLEY ADJACENT TO LOTS 1 THROUGH 5 AND PART OF LOT 6, AND THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 11 THROUGH 13 AND LOTS 24 THROUGH 26, ALL IN HALTERS SUBDIVISION, LYING WEST OF NORTH 14TH STREET BETWEEN AURORA STREET AND EMERSON STREET - Bob Van Valkenburg, 7921 Reno Rd., asked if this particular real estate is covered under another resolution which is the golf course?

Mike Johnson, Olsson Associates, 1111 Lincoln Mall, stated that this resolution pertains to Northern Lights which is south of Leighton Street, so this is ½ mile to ¾ of a mile south of the golf course. It has nothing to do with the golf course.

Nicole Fleck-Tooze, Public Works Dept., the items that related to the North Forty Golf Course are at North 84th Street & Adams Street, so this item is completely separate and unrelated from those.

Chairman Cook stated that the applicant on this is the University of Nebraska.

Mr. Friendt asked if there was anyway to put a street address on this.

City Clerk stated it was an alley that runs along that street.

Ms. Fleck-Tooze said that because it's a linear alley or street it might be a little more difficult to do.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 84TH STREET AND ADAMS STREET. (IN CONNECTION W/03R-11, 03R-12);

APPROVING AN ANNEXATION AGREEMENT BETWEEN DOROTHY C. MATSON AND GUY M. MATSON, NORTH FORTH GOLF, INC., AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 84TH AND ADAMS STREETS. (IN CONNECTION W/03-13, 03R-12);

WAIVING DESIGN STANDARDS REQUIRING STREET PAVING, WATER MAINS, SANITARY SEWER, STORM SEWER AND SIDEWALKS WITHIN THE NORTH FORTY GOLF ADDITION ADMINISTRATIVE FINAL PLAT IN PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 84TH STREET AND ADAMS STREET. (IN CONNECTION W/03R-11, 03-13)- Mike Johnson, Olsson Assoc., 1111 Lincoln Mall, stated that the golf course wants to purchase the Matson's property west of the golf course which they currently lease. It is a 10 acre strip.

Bob Van Valkenburg, 7921 Reno Rd., asked if and how would this be affected by the impact fees?

Mr. Johnson stated they are not planning on developing this property. It is going to stay a golf course. If they would choose to develop it then they would have to have a preliminary plat and then further subdivide it, and if the impact fees are approved they would apply to that property.

This matter was taken under advisement.

APPLICATION OF LINCOLN THUNDER BASEBALL CLUB TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FROM JANUARY 13, 2003 THROUGH APRIL 30, 2003 - Bob Van Valkenburg, 7921 Reno Rd. came forward on Item 16 on the Internet Agenda which should have been 15. He asked how many hours prior to the meeting should these corrections be made?

Chairman Cook stated it is 48 hours.

This matter was taken under advisement.

SETTING THE INTEREST RATE OF 7.32% AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP I OF THE BOARD OF EQUALIZATION OF DECEMBER 16, 2002 AND JANUARY 6, 2003; AND, ACCEPTING THE REPORT OF BOARD OF EQUALIZATION TO THE CITY COUNCIL ON SPECIAL ASSESSMENT GROUP I - Bob Van Valkenburg, 7921 Reno Rd., asked what does it involve and how does it affect the taxpayers? How does it affect property taxes in particular? Is this a bond issue? If so how much?

Ms. Fleck-Tooze stated that the City Council has acted as the Board of Equalization to assess the charges after the project was constructed and this is the next follow up step which is to set the interest rate for those projects that were assessed in December.

Ms. McRoy stated that the people that are being assessed are the ones who petitioned to have the work done. Only those homeowners will have the 20 years to pay the assessment on that property.

Ms. Fleck-Tooze affirmed what Ms. McRoy said. She stated that the Water District does not require majority petition, but the Paving District does.

This matter was taken under advisement.

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245) (DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02)(12/2/02 - PLACED ON PENDING TO 1/13/03 W/ CONTINUED PUBLIC HEARING);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) (10/28/02 - DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02) (12/2/03 - PLACED ON PENDING TO 1/13/03 W/CONTINUED PUBLIC HEARING) - Tom Huston, Cline-Williams Law Firm, 233 S. 13th St., representing Mr. Giebenrath requested another month deferral to be able to generate an aquifer test which the well drillers have not been able to do yet.

Jon Camp, Council Member, moved to delay action with continued public hearing on Bill No. 02R-244 & 02R-245 to February 10, 2003.

Mr. Friendt seconded.

City Clerk: Friendt.

Friendt: Yes.

City Clerk: McRoy.

McRoy: Yes.

City Clerk: Seng.

Seng: Yes.

City Clerk: Svoboda.

Svoboda: Yes.

City Clerk: Werner.

Werner: Yes.

City Clerk: Camp.

Camp: Yes.

City Clerk: Cook.

Cook: Yes.

City Clerk: Motion carried 7-0.

Danny Walker, 427 E St., does not agree that the drainage ditches will handle the runoff problem.

This matter was taken under advisement.

USE PERMIT NO. 140A - APPLICATION OF MENARD, INC. TO MODIFY THE PARKING LAYOUT AND ADD AN OUTDOOR GARDEN SALES AREA, AND TO WAIVE THE REQUIRED PARKING SPACES FROM 877 STALLS TO 729 STALLS, ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND HIGHWAY 2.(1/6/03 -CONTINUE P.H. & ACTION TO 1/13/03) - Mark Hunzeker, 530 S. 13th St., Suite B, representing Menard, Inc. stated that the Administrative Plat has been approved & any objections to the amendments to this use permit have been withdrawn.

Danny Walker, 427 E St., in reference to how to get rid of the raw sewage which is suppose to be done by gravity feed, he said it is very hard to pump raw sewage uphill.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF S. JUNE REMINGTON AS THE DIRECTOR OF AGING SERVICES EFFECTIVE JANUARY 21, 2003 - Bob Van Valkenburg, 7921 Reno Rd. stated he was pleased that this lady is in the chamber today and that it is a good appointment.

June Remington stated she is looking forward to starting this job. She said this job does wonderful things for people in the City of Lincoln and she is very honored to work with the people who represent them.

This matter was taken under advisement.

APPROVING SPEAKEASY, INC. DBA "JR'S DOWN UNDER" AT 3233½ SOUTH 13TH STREET AS A KENO SATELLITE SITE - John Hewitt, Big Red Keno, came forward to state that this is not a new location just a change of ownership.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. BR-STPC-5220(2) FOR THE CONSTRUCTION OF A BRIDGE ON "A" STREET OVER SALT CREEK - Roger Figard, Public Works Dept., stated this agreement says the State is authorizing the use of federal bridge replacement funds to help replace the bridge over Salt Creek on A Street which the City will then rebuild to match & fit & coordinate with the new 3rd & A Street overpass that's being built. This obligates the City to match the money that comes from the State to build that bridge.

Ms. McRoy asked Mr. Figard to go over the source of funds.

Mr. Figard said the total cost of the project is slightly under 2.4 million dollars. \$850,000 comes from federal bridge replacement money. The rest of the money comes from RTSD and the City of Lincoln Street Construction funds.

Danny Walker, 427 E St. suggested that while that street is closed and that bridge is being replaced it would be wise to put up a couple of temporary stop lights or temporary four-way stop signs on Folsom and the by-pass and or west Southwest Folsom.

Mr. Figard said they would look at this problem and try to make it as safe and easy as possible.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY PUBLIC WORKS DEPARTMENT AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE S.W. 40TH STREET AREA FEASIBILITY STUDY - Roger Figard, Public Works Dept. and Executive Director of the Railroad Transportation Safety Dist., stated that the RTSD has already signed an interlocal agreement authorizing to pay the City for the continued study work for the proposed grade separation and work on Southwest 40th south of O Street. This would allow the District to reimburse the City for the engineering work done on that corridor thus far.

This matter was taken under advisement.

APPROVING THE FEDERAL EMERGENCY MANAGEMENT AGENCY COOPERATING TECHNICAL PARTNER MEMORANDUM OF AGREEMENT BETWEEN THE CITY, COUNTY, AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR CREATING AND MAINTAINING UP-TO-DATE FLOODPLAIN MAPS - Nicole Fleck-Tooze, Public Works Dept., stated that the thrust of this program is to develop cooperation and updating the official FEMA flood plain maps between local communities and FEMA. It tries to recognize the technical capabilities of some of the local

communities through the partnership. This should put the City in a good position should federal funding be approved for flood plain mapping nationwide to receive some of that funding through this program.

Danny Walker, 427 E St., requested written response to the following questions: 1. Who is the technical partner and what are the qualifications? 2. What floodplain area of the possible floodplain areas are on the agenda for updating and what time frame? 3. Is Salt Creek included in the update procedure? 4. Will local experts be involved in the mapping? If so the names & status of same. 5. Are the numerous tributaries of Salt Creek involved in the updating? If so which ones? 6. Will developers, builders and/or their legal representatives be involved in anyway? 7. Will there be chosen representatives by the Mayor of the City of Lincoln be involved in the updating? 8. What procedures will be in place should a dispute arise in regards to updated mapping? 9. Will there be provisions for public hearings? He wants answers within 30 days.

Craig Groat, 4935 Huntington Ave., came forward to state his concern with the lack of delineation of the floodplains and floodways.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION AND TIMOTHY REILLY FOR THE ACQUISITION OF PROPERTY AT 720 S. 8TH STREET - Bob Van Valkenburg, 7921 Reno Rd., asked where the money comes from to buy this property?

Chairman Cook stated the amount of the contract is \$51,800.

Ms. McRoy added that the \$51,000 is coming from the Parking Garage Bonds.

This matter was taken under advisement.

APPROVING A WAIVER DESIGN STANDARDS REQUIRING A WATER MAIN WITHIN THE AMIGO'S SOUTH ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND HIGHWAY 2 - Glenn Friendt asked Staff to come forward to explain the waiver.

Ray Hill, Planning Dept., stated this has to do with a subdivision that was approved several years ago & at that time they made sure that each lot has access to water & utilities. There was a bond required for the construction of that utility. They didn't build anything on this lot to require utilities. An ATM doesn't need sewer & water, therefore the waiver is appropriate.

This matter was taken under advisement.

SPECIAL PERMIT NO. 1972 - APPLICATION OF JOHN AND PAM RALLIS AND DEBRA PLACEK TO DEVELOP THE RESERVE COMMUNITY UNIT PLAN FOR FOUR RESIDENTIAL ACREAGE LOTS AND TWO OUTLOTS, WITH ASSOCIATED WAIVER REQUESTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/03R-15);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF THE RESERVE FOR FOUR LOTS AND TWO OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, LIGHTING, LANDSCAPE SCREENS, STORM WATER DETENTION, SIDEWALKS, CUL-DE-SAC LENGTH, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/03R-14) - Brian Carstens, 2935 Pine Lake Rd., Suite H, appearing on behalf of John & Pam Rallis and Debra Placek came forward to ask for the standard waiver there usually is on this particular type of project.

This matter was taken under advisement.

PRE-EXISTING USE PERMIT NO. 3AA - APPLICATION OF WESTFIELD SHOPPINGTOWN (FORMERLY GATEWAY) TO REPLACE, REMOVE, AND MOVE VARIOUS WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS AT WESTFIELD SHOPPINGTOWN - GATEWAY, 6100 O STREET - Mark Hunzeker, 530 S. 13th St., Suite B, representing Westfield Shoppingtown - Gateway requested to place a pole sign on the eastern most "O" Street entrance which is a 55 foot tall 250 foot square foot sign. Discussion followed.

Craig Groat, 4935 Huntington Ave., stated that the American Planning Association says monument and ground signs are more effective within eye sight and don't clutter the background or atmosphere. A 50 foot ineffective sign is not needed.

Mr. Friendt asked why they have asked for this particular recommendation for their sign.

Jim Agliada, Westfield Corp. Inc., agrees that monument signs are an important aspect of a project. But he feels if you look at the character of "O" Street coming down the hill from the west to the east he feels it justifies the pole sign along "O" Street because of the

nature and character of that street and the signs of the other retail businesses on that street. They would not put it on the other side. Because of the size, the scope, and scale of Gateway, 72 acres, a million sq. ft., the proportions to the scale of the face coming down "O" Street are appropriate.

Rick Peo, City Attorney, asked that the Council make it clear when they vote on this Resolution as to whether they are or not approving this pole sign. Further discussion followed.

Mike DeKalb, Planning Dept., came forward to answer questions.

Glen Cekal, 1420 C St., came forward to state he agreed with the information presented by Craig Groat.

Bob Van Valkenburg, 7921 Reno Rd., stated that Gateway is an institution in Lincoln. Further discussion followed.

Mr. Hunzeker came forward for rebuttal.

This matter was taken under advisement.

SPECIAL PERMIT 1990 - APPLICATION OF ANDERMATT, L.L.C. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 214 CHILDREN ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-18);

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-17) - Steve Clymer, Olsson Associates, 1111 Lincoln Mall, came forward representing Andermatt, L.L.C. to request a two week delay to allow more time to finalize the sale of the property.

Mr. Camp moved to delay action with continued public hearing for two weeks.

Ms. Seng seconded the motion.

City Clerk: Friendt.

Friendt: Yes.

City Clerk: McRoy.

McRoy: Yes.

City Clerk: Seng.

Seng: Yes.

City Clerk: Svoboda.

Svoboda: Yes.

City Clerk: Werner.

Werner: Yes.

City Clerk: Camp.

Camp: Yes.

City Clerk: Cook.

Cook: Yes.

City Clerk: Motion carried 7-0.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF DECEMBER 1 - 31, 2002 - Bob Van Valkenburg, 7921 Reno Rd., asked why the taxpayers owe Gerald McAuliffe over \$30,000. He could not find Exhibit A that would explain it or any of the other claims.

Jennifer Cowell, came forward about her claim for \$1,190.72 that was denied. It happened during a search warrant. She was asleep & did not answer her door so they proceeded to break it down. She woke up to three Policemen with flashlights in her face. She missed a few days of work because of the traumatic experience and wants monetary restitution to fix her door and lost wages.

Dana Roper, City Attorney, came forward to explain the Cowell incident was because the Police Dept. had information that there was evidence in her apartment and when there was no answer they became concerned about the welfare inside. The McAuliffe claim was due to a water main that broke on City right-of-way. The leakage came up into the property owners basement.

Mr. Friendt made a motion to hold over the Cowell claim for action with continued public hearing for two weeks.

Seng seconded the motion.

City Clerk: Friendt.

Friendt: Yes.

City Clerk: McRoy.

McRoy: Yes.

City Clerk: Seng.

Seng: Yes.

City Clerk: Svoboda.

Svoboda: Yes.
City Clerk: Werner.
Werner: Yes.
City Clerk: Camp.
Camp: Yes.
City Clerk: Cook.
Cook: Yes.
City Clerk stated that motion carried 7-0.

Danny Walker, 427 E St., came forward to state that he was going to turn in a claim for all the work he has done on the flood plains. Further discussion followed.

Glen Cekal, 1420 C St., suggested somebody talk to Ms. Cowell and explain the situation.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., stated that somebody needs to take responsibility for items that should be available on the City's website.

This matter was taken under advisement.

TOOK BREAK 4:00 P.M.

RECONVENED 4:24 P.M.

MISCELLANEOUS BUSINESS

John Ways, owner of Mataya's Babydoll Club, presented charts showing the areas in the City of Lincoln where arrests have been made for drugs, assault, rape, sodomy, attempted rape, indecent exposure & molest fondling in the year 2000. He says the Police Dept. claims his club causes a lot of these problems, but the map shows that his club only had four problems for that year.

Charlie Swingle, Jr., stated he has been hit three times by vehicles while riding his bicycle. He complained at what he felt like was inaction of the Police Department in these situations.

* Girl #1, Mataya employee, presented a written statement as to why she felt they are being unfairly arrested for violation of the sexual contact ordinance.

Danny Walker, 427 E St., finished reading about the Antelope Valley hearings reference the flood plains.

Bob Van Valkenburg, 7921 Reno Rd., stated he felt it was wrong to put the names of the Mataya Babydoll girls in the paper.

* Girl #2, Mataya employee, presented a written statement as to why she felt they are being unfairly arrested for violation of the sexual contact ordinance.

* Girl #3, Mataya employee, presented a written statement as to why she felt they are being unfairly arrested for violation of the sexual contact ordinance.

Fawn Herndon, Mataya employee, presented a written statement as to why she felt they are being unfairly arrested for violation of the sexual contact ordinance.

* Girl #5, Mataya employee, presented a written statement as to why she felt they are being unfairly arrested for violation of the sexual contact ordinance.

* Girl #6, Mataya employee, presented a written statement as to why she felt they are being unfairly arrested for violation of the sexual contact ordinance.

C.L. Jones, head of security at Mataya's, requested to know how much money the City has spent in drafting, enforcement, court costs, and any other costs related to Sec. 9.16.240 Sexual Contact Ordinance.

Chief Casady came forward to answer to the accusations presented by Mataya's Babydoll employees and explain the Police Departments procedures.

*** Names and addresses of the above individuals are on file in the City Clerk's office.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF DOUBLE EAGLE BEVERAGE LLC DBA "DOUBLE EAGLE BEVERAGE" FOR A

CLASS "W" LIQUOR LICENSE AT 5840 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81883 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Double Eagle Beverage L.L.C. dba "Double Eagle Beverage" for a Class "W" liquor license at 5840 N. 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF ANTHONY G. GILLICK FOR DOUBLE EAGLE BEVERAGE LLC DBA "DOUBLE EAGLE BEVERAGE" AT 5840 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81884 WHEREAS, Double Eagle Beverage L.L.C. dba "Double Eagle Beverage" located at 5840 N. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "W" liquor license, and now requests that Anthony G. Gillick be named manager;

WHEREAS, Anthony G. Gillick appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Anthony G. Gillick be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CREATE THE JOB CLASSIFICATION OF "PUBLIC HEALTH EMERGENCY RESPONSE COORDINATOR," "ENVIRONMENTAL HEALTH EDUCATOR," "ENVIRONMENTAL HEALTH EDUCATOR II," "SENIOR ENVIRONMENTAL HEALTH EDUCATOR," "ENVIRONMENTAL HEALTH ENGINEER I," "ENVIRONMENTAL HEALTH ENGINEER II," "SENIOR ENVIRONMENTAL HEALTH ENGINEER," "WIC SUPERVISOR," "COMMUNITY HEALTH SERVICES, ASSISTANT MANGER," AND "SENIOR UTILITY ENGINEERING SPECIALIST"; AND AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TOT HE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" TO CREATE THE JOB CLASSIFICATIONS OF "ENVIRONMENTAL HEALTH EDUCATOR I," AND "ANIMAL CONTROL FIELD SUPERVISOR" - CLERK read an ordinance, introduced by Annette McRoy, amending pay schedules of employees whose classifications are assigned to the pay range prefixed by the letter "A" to create the job classification of "Public Health Emergency Response Coordinator," "Environmental Health Educator," "Environmental Health Educator II," "Senior Environmental Health Educator," "Environmental Health Engineer I," "Environmental Health Engineer II," "Senior Environmental Health Engineer," "WIC Supervisor," "Community Health Services, Assistant Manager," and "Senior Utility Engineering Specialist"; and amending pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" to create the job classifications of "Environmental Health Educator I," and "Animal Control Field Supervisor", the second time.

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A", "C", AND "M" TO CHANGE TITLES AND PAY RANGES OF VARIOUS JOB CLASSIFICATIONS WITHIN THE HEALTH DEPARTMENT - CLERK read the following ordinance, introduced by Annette McRoy, amending pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", "C", and

"M" to change titles and pay ranges of various job classifications within the Health department, the second time.

AMENDING PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY DELETING THE JOB CLASSIFICATIONS OF "GRADUATE NURSE I," "RECREATION SUPERVISOR I," "RECREATION SUPERVISOR II," AND "RECREATION SUPERVISOR III" - CLERK read the following ordinance, introduced by Annette McRoy, amending pay schedules for certain employee groups by deleting the job classifications of "Graduate Nurse I," "Recreation Supervisor I," "Recreation Supervisor II," and "Recreation Supervisor III", the second time.

AMENDING PAY SCHEDULES OF A CERTAIN EMPLOYEE GROUP TO CHANGE THE TITLE CLASSIFICATION OF "PUBLIC SERVICE OFFICER - OPERATIONS" TO "PUBLIC SERVICE OFFICER" - CLERK read the following ordinance, introduced by Annette McRoy, amending pay schedules of a certain employee group to change the title classification of "Public Service Officer - Operations" to "Public Service Officer", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "X" TO DELETE THE CLASSIFICATIONS OF "EXCLUDED OFFICE ASSISTANT I," "II," "III," "IV," AND "V" - CLERK read the following ordinance, introduced by Annette McRoy, amending the pay schedules of employees whose classification are Assigned to the Pay Range Which Is Prefixed by the Letter "X" to Delete the Classifications of "Excluded Office Assistant I," "II," "III," "IV," and "V", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" TO DELETE THE CLASSIFICATIONS OF "OFFICE ASSISTANT I," "II," "III," "IV," AND "V" AND "PUBLIC SERVICE OFFICER - ADMINISTRATION" - CLERK read the following ordinance, introduced by Annette McRoy, amending the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" to delete the classifications of "Office Assistant I" "II", "III", "IV", and "V" and "Public Service Officer - Administration", the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X." - CLERK read the following ordinance, introduced by Annette McRoy, Adopting pay schedules and schedules of pay ranges for employees whose classifications are assigned to pay ranges prefixed by the letter "X", the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "N" - CLERK read the following ordinance, introduced by Annette McRoy, adopting pay schedules and schedules of pay ranges for employees whose classifications are assigned to pay ranges prefixed by the letter "N", the second time.

VACATING THE EAST-WEST ALLEY ADJACENT TO LOTS 1 THROUGH 5 AND PART OF LOT 6, AND THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 11 THROUGH 13 AND LOTS 24 THROUGH 26, ALL IN HALTERS SUBDIVISION, LYING WEST OF NORTH 14TH STREET BETWEEN AURORA STREET AND EMERSON STREET - CLERK read the following ordinance, introduced by Annette McRoy, vacating the east-west alley adjacent to Lots 1 through 5 and part of Lot 6, and the north-south alley adjacent to Lots 11 through 13 and Lots 24 through 26, all in Halters Subdivision, lying west of North 14th Street between Aurora Street and Emerson Street, the second time.

RENAMING N. 82ND STREET LOCATED WITHIN NORTHERN LIGHTS 10TH ADDITION, NORTH OF ELIZABETH DRIVE, TO N. 81ST STREET - CLERK read the following ordinance, introduced by Annette McRoy, renaming N. 82nd Street located within Northern Lights 10th Addition, north of Elizabeth Drive, to N. 81st Street, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 84TH STREET AND ADAMS STREET - CLERK read the following ordinance, introduced by Annette McRoy, amending the corporate limits of the City by annexing approximately 50 acres of property generally located at the southwest

corner of North 84th Street and Adams Street, the second time.

RESOLUTIONS

APPLICATION OF AMERICAN HEART ASSOCIATION TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FROM FEBRUARY 14, 2003 THROUGH FEBRUARY 14, 2003 AND NOVEMBER 22, 2003 THROUGH NOVEMBER 22, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81885 WHEREAS, the American Heart Association has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to the American Heart Association to conduct a raffle in the City of Lincoln in accordance with the application filed by Jan Yaussi. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPLICATION OF LINCOLN THUNDER BASEBALL CLUB TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FROM JANUARY 13, 2003 THROUGH APRIL 30, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81886 WHEREAS, Lincoln Thunder Baseball Club has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Lincoln Thunder Baseball Club to conduct a raffle in the City of Lincoln in accordance with the application filed by Todd Noakes. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE INTEREST RATE OF 7.32% AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP I OF THE BOARD OF EQUALIZATION OF DECEMBER 16, 2002 AND JANUARY 6, 2003; AND, ACCEPTING THE REPORT OF BOARD OF EQUALIZATION TO THE CITY COUNCIL ON SPECIAL ASSESSMENT GROUP I - CLERK read the following resolution as amended, introduced by Glenn Friendt, who moved its adoption:

A-81887 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed December 9, 2002, to pay the costs of the improvements in Water District 1181, and Paving District 2621 are hereby levied and shall bear interest at 7.36% per annum and that the period of time in which the assessments are to be paid shall be as follows:

- 20 years - Water District 1181
- 20 years - Paving District 2621

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245) (DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02)(12/02/02 - PLACED ON PENDING TO 1/13/03 W/ CONTINUED PUBLIC HEARING) - PRIOR to reading:

CAMP Moved to delay action & continue public hearing on Bill No. 02R-244 to 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) (10/28/02 - DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02) (12/2/03 - PLACED ON PENDING TO 1/13/03 W/CONTINUED PUBLIC HEARING) - PRIOR to reading:

CAMP Moved to delay action & continue public hearing on Bill No. 02R-245 to 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT NO. 140A - APPLICATION OF MENARD, INC. TO MODIFY THE PARKING LAYOUT AND ADD AN OUTDOOR GARDEN SALES AREA, AND TO WAIVE THE REQUIRED PARKING SPACES FROM 877 STALLS TO 729 STALLS, ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND HIGHWAY 2.(1/6/03 -CONTINUE P.H. & ACTION TO 1/13/03) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81888 WHEREAS, Menard, Inc. has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 140A for authority to modify the parking layout and add an outdoor garden sales area, and to waive the required parking spaces from 877 stalls to 729 stalls, on property generally located at 91st Street and Highway 2, and legally described to wit:

Lot 2, Block 1, Appian Way Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this modification to the commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Menard, Inc., hereinafter referred to as "Permittee", to modify the parking layout and add an outdoor garden sales area within the previously approved commercial space on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 194,853 square foot building with a reduction to the parking requirement from 877 stalls to 729 parking

spaces.

2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
3. Before occupying the buildings all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE APPOINTMENT OF S. JUNE REMINGTON AS THE DIRECTOR OF AGING SERVICES EFFECTIVE JANUARY 21, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81889 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the nomination by Mayor Don Wesely with concurrence of the Lancaster County Board to appoint S. June Remington as the Director of the Lincoln Area Agency on Aging effective January 21, 2003 is hereby approved.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REAPPOINTING MICHAEL DONNELLY TO THE FIRE AND POLICE PENSION ADVISORY COMMITTEE FOR A FOUR-YEAR TERM EXPIRING OCTOBER 31, 2006 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81890 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Michael Donnelly to the Fire and Police Pension Advisory Committee for a four-year term expiring October 31, 2006 is hereby approved.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING JENNIFER A. GUTIERREZ TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81891 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jennifer A. Gutierrez to the Lincoln-Lancaster Women's Commission to fill an unexpired term expiring January 1, 2004 is hereby approved.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING SPEAKEASY, INC. DBA "JR'S DOWN UNDER" AT 3233½ SOUTH 13TH STREET AS A KENO SATELLITE SITE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81892 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of JR's Downunder, 3233½ South 13th Street, Lincoln, NE 68502.

The City Clerk is directed to return an executed copy of this Resolution to JR's Downunder, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. BR-STPC-5220(2) FOR THE CONSTRUCTION OF A BRIDGE ON "A" STREET OVER SALT CREEK - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81893 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. BR-STPC-5220(2) for the construction of a bridge on "A" Street over Salt Creek, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY PUBLIC WORKS DEPARTMENT AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE S.W. 40TH STREET AREA FEASIBILITY STUDY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81894 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Railroad Transportation Safety District to conduct a feasibility, functional design and environmental study of the Southwest 40th Street corridor and the existing at-grade Burlington Northern Santa Fe Railroad crossing in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works for transmittal to the Railroad Transportation Safety District.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE FEDERAL EMERGENCY MANAGEMENT AGENCY COOPERATING TECHNICAL PARTNER MEMORANDUM OF AGREEMENT BETWEEN THE CITY, COUNTY, AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR CREATING AND MAINTAINING UP-TO-DATE FLOODPLAIN MAPS - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81895 BE IT RESOLVED by the City Council of the city of Lincoln, Nebraska:

That the attached Federal Emergency Management Agency Cooperating Technical Partner Memorandum of Agreement for creating and maintaining up-to-date floodplain maps between the City of Lincoln, Lancaster

County, and the Federal Emergency Management Agency, in accordance with the terms and conditions contained in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Federal Emergency Management Agency Cooperating Technical Partner Memorandum of Agreement to Public Works & Utilities.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND OAKVIEW CONSTRUCTION, INC. FOR THE CONSTRUCTION OF REPLACEMENT OF EXISTING FACILITIES AND EXPANDED GRIT BASIN CAPACITY AT THE THERESA WASTEWATER TREATMENT PLAN - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81896 WHEREAS, the City of Lincoln desires to enter into a contract for the wastewater project that provides for the construction of replacement of existing grit basin facilities and expanding capacity at the Theresa Street Wastewater Treatment Facility.

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached contract between the City and Oakview Construction, Inc. for a wastewater project that includes the construction of replacement of existing grit basin facilities and expanding capacity at the Theresa Street Wastewater Treatment Facility, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to return two fully executed copies of this Resolution and the contract to Steve Masters, Public Works Administrator, one for department records and one for transmittal to the contractor.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION AND TIMOTHY REILLY FOR THE ACQUISITION OF PROPERTY AT 720 S. 8TH STREET - PRIOR to reading:

FRIENDT Moved to accept a substitute resolution for Bill No. 02R-10.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81897 WHEREAS, the Public Building Commission has entered into a Real Estate Sales Agreement with Timothy Reilly, a single person, for the purchase of the south 37 feet of Lot 6, and the west 11 feet of the south 37 feet of Lot 5, Block 145, Original Plat of the City of Lincoln, Lancaster County, also known as 720 South 8th Street; and

WHEREAS, title to this property will be held in the name of the City of Lincoln, a municipal corporation, and the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, for the Public Building Commission as authorized by Neb. Rev. Stat. § 13-1304(4); and

WHEREAS, the property shall be used for additional parking for the County and the City which is the same purpose for which the bonds are being issued; and

WHEREAS, the money for this acquisition will come from the parking garage bonds approved and authorized by Ordinance No. 18035, passed by the City Council on July 15, 2002.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, and the Board of County Commissioners of the County of Lancaster, Nebraska that the attached Real Estate Sales Agreement for the acquisition of 720 South 8th Street with funding for the purchase to come from the parking garage bond fund is hereby approved.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN ANNEXATION AGREEMENT BETWEEN DOROTHY C. MATSON AND GUY M. MATSON, NORTH FORTH GOLF, INC., AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 84TH AND ADAMS STREETS. (IN CONNECTION W/03-13,03R-12) - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 03R-11 for two weeks to 1/27/03.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

WAIVING DESIGN STANDARDS REQUIRING STREET PAVING, WATER MAINS, SANITARY SEWER, STORM SEWER AND SIDEWALKS WITHIN THE NORTH FORTY GOLF ADDITION ADMINISTRATIVE FINAL PLAT IN PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 84TH STREET AND ADAMS STREET. (IN CONNECTION W/03R-11, 03-13)- PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 03R-11 for two weeks to 1/27/03.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER DESIGN STANDARDS REQUIRING A WATER MAIN WITHIN THE AMIGO'S SOUTH ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81898 WHEREAS, the Administrative Final Plat of Amigo's South Addition was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Administrative Final Plat was the requirement that the subdivider install a water main in S. 14th Street north of Pioneers Blvd. adjacent to said Administrative Final Plat to service Lot 2; and

WHEREAS, applicant has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

1. That the requirement of the Administrative Final Plat of Amigo's South Addition relating to the installation of a water main to service Lot 2, is hereby waived.

2. That all other conditions for approval of the Administrative Final Plat of Amigo's South Addition shall remain in full force and effect.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 1972 - APPLICATION OF JOHN AND PAM RALLIS AND DEBRA PLACEK TO DEVELOP THE RESERVE COMMUNITY UNIT PLAN FOR FOUR RESIDENTIAL ACREAGE LOTS AND TWO OUTLOTS, WITH ASSOCIATED WAIVER REQUESTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/03R-15) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81899 WHEREAS, John and Pam Rallis and Debra Placek have submitted an application designated as Special Permit No. 1972 for authority to develop The Reserve Community Unit Plan on property located at South 112th Street and Old Cheney Road, and legally described to wit:

Lot 20 I.T., located in Section 12, Township 9 North,
Range 7 East of the 6th P.M., Lancaster County,
Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of John and Pam Rallis and Debra Placek, hereinafter referred to as "Permittee", to develop The Reserve Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves four single family lots.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and acceptable site plan.
 - b. The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council.
 - c. The construction plans must conform to the approved plans.
 - d. Final plats within the area of this community unit plan must be approved by the City.
 - e. The required easements as shown on the site plan must be recorded with the Register of Deeds.
 - f. The City Council must approve the associated requests as follows:
 - (i) The Reserve Preliminary Plat.
 - (ii) A waiver of the required sidewalk, street lights, landscape screen, and street trees.
 - (iii) A modification to the requirements of the Land Subdivision Ordinance to permit a block length in excess of 1320' along the north, west and south perimeter of this subdivision.
 - g. The County Engineer must approve an agreement for street maintenance.
3. Before occupying this Community Unit Plan all development and construction must conform to the approved plans.
4. Before occupying this Community Unit Plan, the City/County Health Department must approve the water and wastewater systems.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF THE RESERVE FOR FOUR LOTS AND TWO OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, LIGHTING, LANDSCAPE SCREENS, STORM WATER DETENTION, SIDEWALKS, CUL-DE-SAC LENGTH, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/03R-14) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81900 WHEREAS, John and Pam Rallis and Debra Placek have submitted the preliminary plat of The Reserve for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated June 13, 2002, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of The Reserve, located at South 112th

Street and Old Cheney Road as submitted by John and Pam Rallis and Debra Placek is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirements of §§ 26.23.105, 26.27.010, 26.27.020, 26.27.070, 26.27.080, 26.27.090 of the Lincoln Municipal Code for storm water detention, street paving, sidewalks, street lights, landscape screen, and street trees are hereby waived since the area is of larger lots, of a rural nature and the subdivision will not be annexed.

2. The requirement of § 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1320 feet between cross streets is waived along the north, south and west perimeter of this subdivision.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PRE-EXISTING USE PERMIT NO. 3AA - APPLICATION OF WESTFIELD SHOPPINGTOWN (FORMERLY GATEWAY) TO REPLACE, REMOVE, AND MOVE VARIOUS WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS AT WESTFIELD SHOPPINGTOWN - GATEWAY, 6100 O STREET - PRIOR to reading:

SVOBODA Moved to amend Bill NO. 02R-16 that would allow a larger & taller pole sign than recommended by Staff.

Seconded by McRoy & **LOST** by the following vote: AYES: Camp, McRoy, Svoboda; NAYS: None. Cook, Friendt, Seng, Werner.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81901 WHEREAS, Westfield Shoppingtown (formerly known as Gateway) has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Pre-Existing Use Permit No. 3AA for authority to amend the signs plan at Westfield Shoppingtown - Gateway, on property generally located at 6100 "O" Street, and legally described to wit:

A portion of Lot 233, Lots 213, 214, 232, and 257 Irregular Tracts and Lot 2, Gateway Terrace, all located in the South Half of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, further described in the attached legal descriptions;

WHEREAS, the real property adjacent to the area included within the site plan for this amended sign plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Westfield Shoppingtown, hereinafter referred to as "Permittee", to amend the sign plan on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction of said sign plan be in strict compliance with the application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a revised sign plan for Pre-Existing Use Permit 3, Westfield Shoppingtown - Gateway.

2. All terms and conditions of Pre-Existing Use Permit 3 shall apply unless specifically approved by this amendment.

3. Before receiving building permits:

a. The construction plans must conform to the approved plans.

b. The Permittee must submit an acceptable, revised and reproducible final plan, including five copies.

3. All development and construction must be completed in conformance to the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1990 - APPLICATION OF ANDERMATT, L.L.C. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 214 CHILDREN ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-18) - PRIOR to reading:

CAMP Moved to delay action & continue Public Hearing for Bill No. 03R-17 to 1/27/03 at 5:30 p.m.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-17 - PRIOR to reading:

CAMP Moved to delay action & continue Public Hearing for Bill No. 03R-18 to 1/27/03 at 5:30 p.m.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF DECEMBER 1 - 31, 2002 - PRIOR to reading:

FRIENDT Moved to hold over the claim of Jennifer Cowell for two weeks to 1/27/03 to review the Police report.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption as amended:

A-81902 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 2, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>	<u>ALLOWED</u>
Jennifer Cowell \$1,190.72	Blue Cross Blue Shield
Wayne Archuleta 1,800.00	(David Stading, Insured) \$ 348.46
Lousinda Bradford 84.90	Shelly Berck 167.00
Frances Oelkers 455.00	Gerald McAuliffe 30,116.11
	David A. Tinius 300.00
	Tamara Boyko 100.00

The City Attorney is hereby directed to mail to the various

claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF JANUARY 27, 2003 AT 5:30 P.M. FOR APP. OF THE DUGOUT INC. DBA "THE DUGOUT SPORTS RESTAURANT" FOR A CLASS "C" LIQUOR LICENSE LOCATED AT 311 N. 8TH STREET, SUITE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81903 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 27, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of The Dugout, Inc. dba "The Dugout Sports Restaurant" for a Class "C" Liquor License located at 1311 N. 8th Street, Suite 1.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADOPTING THE WATER SYSTEM IMPACT FEE, WATER DISTRIBUTION IMPACT FEE, WASTEWATER IMPACT FEE, ARTERIAL STREET IMPACT FEE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULES TO BE USED TO DETERMINE THE AMOUNT OF EACH REQUIRED IMPACT FEE PURSUANT TO THE REQUIREMENT OF THE IMPACT FEE ORDINANCE. (IN CONNECTION W/02-160, 02-161)(PLANNING DEPT -MOTION TO AMEND) (11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING) (12/2/02 - TO HAVE ACTION 12/16/02) (12/16/03 - TO HAVE ACTION 1/13/03) - PRIOR to reading:

SENG Moved to reconsider Bill No. 02R-247.

Seconded by McRoy & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

SENG Moved to amend Bill No. 02R-247 by substituting the attached Arterial Street Impact Fee Schedule for the Arterial Street Impact Fee Schedule attached to Bill No. 02R-247 as Attachment D.

Seconded by McRoy & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption as amended:

A-81905 WHEREAS, Lincoln Municipal Code Section 27.82.050 provides for the City Council to determine the amount of each required impact fee through the use of impact fee schedules; and

WHEREAS, the City Council has considered the Lincoln Impact Fee Study prepared by Duncan & Associates dated October, 2002; and

WHEREAS, the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule, attached hereto, marked as Attachments A, B, C, D, and E, respectively, are based upon said Lincoln Impact Fee Study; and

WHEREAS, the City Council has determined that the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule, should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule (Attachments A, B, C, D, and E respectively) are hereby adopted.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

PETITIONS & COMMUNICATIONS

FORMAL PAVING PETITION FOR PAVING DISTRICT NO. 2624 FOR THE FRONTAGE ROAD WHICH PARALLELS NORTH HIGHWAY 77 FROM HOLLAND ROAD SOUTH APPROXIMATELY

1375 FEET SUBMITTED BY MARVIN L. AND JUDEAN A. SCHMIDT - CLERK presented said petition which was referred to the Law Dept.

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

SPECIAL PERMIT NO. 450-O - APP. OF MADONNA REHABILITATION HOSPITAL TO ADD ONE FAMILY HOUSING UNIT OF 1800 SQUARE FEET AT 5401 SOUTH STREET.

SPECIAL PERMIT NO. 1997 - APP. OF OLSSON ASSOC. FOR EARLY CHILDHOOD CARE IN R-4 AT 3633 O STREET.

SPECIAL PERMIT NO. 2000 - APP. OF JANET CROSBY, SIMPLY PARADISE, FOR A LIQUOR PERMIT AT 3235 NORTH 35TH STREET.

PETITION TO VACATE PUBLIC WAY AT WEST "N" STREET FROM CODDINGTON WEST SUBMITTED BY STOR-BUILDINGS INC., DAN L. CUDA PRESIDENT - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 6, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR DECEMBER 30, 2002 THROUGH JANUARY 3, 2003 - CLERK read the following resolution, introduced by Glen Friendt, who moved its adoption:

A-81904 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glen Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF DECEMBER, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS NOVEMBER 30, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTH OF NOVEMBER, 2002: IBM GLOBAL SERVICES-NS DIV., BELL ATLANTIC, ALYON TECHNOLOGIES, QUANTUM SHIFT, TRACFONE WIRELESS; DECEMBER, 2002: D & D COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 94 IN VARIOUS LOCATIONS WITHIN THE CITY INCLUDING THAT AREA BOUNDED ON THE NORTH BY FLETCHER AVENUE, ON THE EAST BY 84TH STREET, ON THE SOUTH BY YANKEE HILL ROAD, AND ON THE WEST BY N.W. 27TH STREET, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Glenn Friendt, creating Sidewalk Improvement District No. 94, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, AND STREET CONSTRUCTION FUND - CLERK read an ordinance, introduced by Glenn Friendt, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Sewer Construction Fund, Water Construction Fund, and Street Construction Fund, the first time.

AMENDING ORDINANCE 3060, PASSED JULY 29, 1929, WHICH AUTHORIZED THE USE OF RIGHT-OF-WAY TO THE UNIVERSITY OF NEBRASKA FOR A STEAM TUNNEL/CONDUIT IN 14TH STREET FROM R STREET TO K STREET TO ALLOW ADDITIONAL USE OF SPACE FOR TELECOMMUNICATIONS PURPOSES - CLERK read an ordinance, introduced by Glenn Friendt, amending Ordinance 3060, passed by the City Council on July 29, 1929, for additional authorization for University of Nebraska-Lincoln to utilize a former steam tunnel and conduit for placement of telecommunications fiber optic cable, the first time.

ORDINANCES - 3RD READING

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY; TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050 TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060 TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070 TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247) (HOUSING AUTHORITY -MOTION TO AMEND) (11/18/02 - Motion to Delay to 12/9/02, Failed, 3-4, Cook, McRoy & Werner Assenting, Placed on Pending with No Date Certain, 4-3; Cook, Seng, & Werner Dissenting) (12/2/02 - To have Action 12/16/02) (12/16/02- To have action 1/13/03) (PASSED AS AMENDED, 4-3; CAMP, FRIENDT, SVOBODA DISSSENTING;#18113; MOTIONS TO AMEND ADOPTED # 1,3,5,6,14,15,17,22,23. MOTIONS TO AMEND NOT ADOPTED # 2,4,7,8,9,10,11,12,13,16,18,19,20,21.) - PRIOR to reading:

SVOBODA Moved to re-introduce Amendment No. 20.

Seconded by Camp & **LOST** by the following vote: AYES: Camp, Svoboda. AYES: Cook, Friendt, McRoy, Seng, Werner

MCROY Moved Amendment No. 23 on page 18, line 20, strike the word "annexation" and after the word "agreement" add the words "or other approval". 2. On page 18, line 21, strike the word "executed" and insert in lieu thereof the word "entered into". 3. On page 18, delete line 22 in its entirety and insert in lieu thereof the following words: "included or required the participation by the developer in the financing or construction of Impact Fee Facilities shall". 4. On page 19, line 2, after the word "Agreements" add the words "or other approvals". 5. On page 19, line 4, delete the word "annexation" and after the word "agreement" add the words "or other approval".

Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Cook, Friendt, Svoboda.

SVOBODA Moved to call the question.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new section numbered 27.82.010 to provide a title, authority and applicability; adding a new section numbered 27.82.020 to provide legislative findings and purpose; adding a new section numbered 27.82.030 to provide intent; adding a new section numbered 27.82.040 to provide definitions; adding a new section numbered 27.82.050 to provide for imposition of impact fees; adding a new section numbered 27.82.060 to provide exemptions from impact fees; adding a new section numbered 27.82.070 to provide for the creation of an impact fee fund and impact fee accounts; adding a new section numbered 27.82.080 to provide for refunds of impact fees paid; adding a new section numbered 27.82.090 to provide for post-ordinance developer agreements regarding Impact Fee Facilities; adding a new section numbered 27.82.100 to provide for developer reimbursement for participation in financing or constructing Impact Fee Facilities; adding a new section numbered 27.82.110 to provide for miscellaneous provisions, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

The ordinance, being numbered **#18113** is recorded in Ordinance Book 25, Page

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION ORDINANCE) TO AMEND SECTION 26.23.040 TO MODIFY THE REFERENCE TO THE COMPREHENSIVE PLAN AND TO INCREASE THE MINIMUM RIGHT-OF-WAY WIDTH FOR BIKEWAYS FROM A 14-FOOT EASEMENT TO A 20-FOOT EASEMENT; AND TO AMEND SECTION 26.23.160 TO REQUIRE A DEDICATION OF LAND OR PAYMENT OF AN IMPACT FEE FOR NEIGHBORHOOD PARKS AND TRAILS. (IN CONNECTION W/02-160, 02R-247) (11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING) (12/2/02 - TO HAVE ACTION 12/16/02) (12/16/03 - TO HAVE ACTION 1/13/03) - CLERK read an ordinance, introduced by Jon Camp, amending Section 26.23.040 of the Lincoln Municipal Code to amend Table 26.23.040 to modify the reference to the Comprehensive Plan and to increase the minimum right-of-way width for bikeways from a 14-foot easement to a 20-foot easement; amending Section 26.23.160 of the Lincoln Municipal Code to require a dedication of land or payment of an impact fee for neighborhood parks and trails; and repealing Sections 26.23.040, 26.23.160 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

The ordinance, being numbered **#18114**, is recorded in Ordinance Book 25, Page

REPEALING ORDINANCE NO. 17924 WHICH CREATED PAVING DISTRICT NO. 2622 IN N. 67TH STREET BETWEEN Y AND X STREETS - CLERK Read an ordinance, introduced by Jon Camp, repealing Ordinance No. 17924 which created Paving District No. 2622, which Paving district included all that

portion of North 67th Street lying between the South line of "Y" Street and North line of "X" Street describing the benefitted property and providing for the payment of the cost thereof, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18115**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 27, 2003.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: Friendt

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on January 27, 2003.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: Friendt.

ADJOURNMENT

7:50 P.M.

CAMP Moved to adjourn the City Council meeting of January 13, 2003.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: Friendt.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
JANUARY 13, 2003
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